



**RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
GROUP ART UNIT 2174**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No: 10/059,726
Filed: January 29, 2002
Inventor(s):
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Denise Riedlinger

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Examiner: Pitaro, Ryan F.
Group/Art Unit: 2174
Atty. Dkt. No: 5150-64400

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 22313-1450, on the date indicated below.

Jeffrey C. Hood

QC2
Signature

7/18/2006
Date

Title: SYSTEM AND METHOD
FOR PREVIEWING A
SEQUENCE OF MOTION
CONTROL
OPERATIONS

REQUEST FOR PRE-APPEAL BRIEF REVIEW

ATTN: BOX AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reason(s) stated below.

Applicant is in receipt of the Final Office Action mailed March 9, 2006. Claims 1-5, 7, 9, 10, 17-34, and 39-49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Compumotor Motion Builder Start-up Guide and Tutorial (hereinafter "Compumotor") in view of U.S. Patent No. 5,781,505 to Rowland (hereinafter "Rowland"). Applicant respectfully traverses this rejection.

Claim 1 recites as follows:

1. (Previously Presented) A computer-implemented method for previewing two or more motion control operations, the method comprising:

receiving user input selecting the two or more motion control operations, wherein the motion control operations are operable to perform motion control of a hardware device;

storing information representing the two or more motion control operations;

displaying a first preview window for previewing cumulative motion control performed by the two or more motion control operations; and

displaying information in the first preview window which visually indicates the cumulative motion control performed by the two or more motion control operations, wherein visually indicating the cumulative motion control performed by the two or more motion control operations comprises visually indicating a spatial trajectory cumulatively performed by the two or more motion control operations.

The Examiner states, "Compumotor fails to distinctly point out visually indicating a spatial trajectory performed by the two or more motion control operations. However, Rowland teaches previewing spatial trajectory for a projectile from a viewpoint of an observer (Column 1 lines 60-67)."

Rowland relates generally to a projectile trajectory and source location system and method that identifies, calibrates, and displays a projectile trajectory relative to one or more stationary objects, such as buildings in an urban environment. (See Abstract). Rowland does not teach motion control operations. Furthermore, Rowland does not teach visually indicating a spatial trajectory cumulatively performed by two or more motion control operations.

Thus, the cited references, taken either singly or in combination, do not teach the limitations recited in claim 1. Applicant thus submits that claim 1, and the claims dependent thereon, are patentably distinct over the cited references for at least this reason. Inasmuch as the other independent claims recite similar limitations as claim 1, Applicant submits that the other independent claims, and the claims respectively dependent thereon, are also patentably distinct over the cited references.

Furthermore, Applicant respectfully reminds the review panel that, "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992).

Rowland relates to systems for locating a trajectory and a source of a projectile, such as a bullet or other supersonic projectile. (See Col. 1, lines 13-22). In contrast, the present invention relates to the field of computer-based motion control. Applicant submits that the field of motion control, which involves software control of the motion of an apparatus, is different than merely locating the trajectory of a projectile, which does not involve any control. Thus, Rowland is not in the field of Applicant's endeavor and relates to an entirely different problem than the particular problem with which the inventors

in the present application were concerned. Rowland is not reasonably pertinent to the subject matter recited in the present claims.

Applicant also respectfully submits that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested. If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-64400/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☒ Notice of Appeal

Respectfully submitted,



Jeffrey C. Hood
Reg. No. 35,198
Attorney for Applicants

Date: 7/10/2006 JCH/JLB